

ASSEMBLY BILL

No. 1553

**Introduced by Assembly Member Yamada
(Coauthor: Assembly Member Brown)**

January 27, 2014

An act to add Section 10232.98 to the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1553, as introduced, Yamada. Long-term care insurance: premium basis.

Existing law provides that long-term care insurance includes any insurance policy, certificate, or rider advertised, marketed, offered, solicited, or designed to provide coverage for diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services that are provided in a setting other than an acute care unit of a hospital. Long-term care insurance includes all products containing any of the following benefit types: coverage for institutional care including care in a nursing home, convalescent facility, extended care facility, custodial care facility, skilled nursing facility, or personal care home; home care coverage including home health care, personal care, homemaker services, hospice, or respite care; or community-based coverage including adult day care, hospice, or respite care. Long-term care insurance includes disability-based long-term care policies but does not include insurance designed primarily to provide Medicare supplement or major medical expense coverage.

This bill would prohibit a long-term care insurance policy issued, amended, or renewed on or after January 1, 2015, from charging a different premium, price, or charge based on the sex of the contracting

party, potential contracting party, or a person reasonably expected to benefit from the policy. The term “sex” would be defined for these purposes to mean a person’s gender, gender identity, and gender expression, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10232.98 is added to the Insurance Code,
2 to read:
3 10232.98. (a) A long-term care insurance policy issued,
4 amended, or renewed on or after January 1, 2015, shall not be
5 subject to premium, price, or charge differentials because of the
6 sex of any contracting party, potential contracting party, or person
7 reasonably expected to benefit from the policy as a policyholder,
8 insured, or otherwise.
9 (b) For purposes of this section, the following terms have the
10 following meanings.
11 (1) “Sex” means a person’s gender, and includes a person’s
12 gender identity and gender expression.
13 (2) “Gender expression” means a person’s gender-related
14 appearance and behavior whether or not stereotypically associated
15 with the person’s assigned sex at birth.